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09/560,000	04/28/2000	Youji Kohda	1405.1022/JDH	3231

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STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER
D AGOSTA, STEPHEN M

ART UNIT	PAPER NUMBER
2683	

DATE MAILED: 04/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 March 2004*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _____ is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-8,10-12 and 14-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All   b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 1-8, 10-12 and 14-22 have been

considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-2 and 4-6 rejected under 35 U.S.C. 103(a) as being unpatentable over

Sandegren US 6,512,930 further in view of Gutfreund et al. US 6,192,394 and Angle et

al. US 6,36,771 (hereafter Sandegren and Gutfreund).

As per **claims 1, 4**, Sandegren teaches an online notification method/system

(title) that provides status notification to users within the system (abstract – first

sentence), the method comprising steps of:

directly transmitting the status of the user from the first information terminal to a

mobile terminal of the user via a network (abstract and C3, L45-55)

determining at the user mobile terminal whether the received status of the mobile

terminal user from the first information terminal is one of a plurality of user statuses

previously stored in the user mobile terminal (figures 1a-1c shows database of users)

transmitting the received user status in real-time from the user mobile terminal to

a predetermined second information terminal via a network according to the determining

(abstract and C3, L55-55-60); and

outputting at the second information terminal the received user status from the

user mobile terminal via the mobile communications network (abstract and C3, L64-66).

But is silent on determining status of a user using a first information terminal
<u>and on an ad hoc local area network connecting to a mobile</u>.

The examiner notes that a user must actually type-in/enter their status (or have it
determined by software), so the system will store the status which can be downloaded
to ANY user/device. Hence, if the user works at a laptop and has a list of
people/devices that are to be notified that INCLUDES the user's mobile phone, it will
receive a status as well. Sandegren's invention will send status to ANY person/device
on the "notify list" which means the user can add multiple devices that they own to the
list which reads on the invention.

The applicant cites in their specification the ICQ notification system/device
(Mirabilis, Ltd.) that allows a user to find out who are the other (arbitrary) users that are
connected to the Internet (pg. 2, L1-15). **Gutfreund** teaches collaborative software that
allows a user of the application to request a list of all (arbitrary) users known to the
collaboration software (abstract).

<u>Angle teaches a network that provides connectivity between a mobile device (eg.
phone/computer) to another wired/wireless device via a wireless LAN (abstract, figures
1-3 and 5 and C5, L1-46, #100 is a wireless phone)</u>.

With further regard to claim 4, Sandegren teaches identity (figures 1a-1c show
a database of all identities in online notification application) and first/second terminals
(figure 2c).

It would have been obvious to one skilled in the art at the time of the invention to
modify Sandegren, such that status can be determined<u> via an ad hoc local area
network</u>, to provide means for the user to gather/transmit status to other people/devices
on their notification list) <u>and transmit it to other locations</u>.

As per **claims 2/3**, Sandegren in view of Gutfreund and Angle teaches claim 1
but is silent on wherein the electronic transmission medium is an electronic
wired/wireless communications channel.

Sandegren does teaches "wireless" support which is an RF electronic communications channel AND figure 2a shows both wireless and wired communications links being used, #209 and #211/#215.

The examiner notes that Angle teaches wireless mobile device connectivity which also bridges to other wired/wireless devices (see figure 1, #18 bridges to networks #125). Wired communications is well known in the art and phones can connect to computer networks (eg. VoIP phones). The examiner puts forth, but does not cite, Shaffer US 6,549,534 who teaches an interface between phone and LAN.

As per **claim 5**, Sandegren teaches claim 4, wherein

said generating device based on the status of the first information terminals prepare a status list listing each possible status of the user, select one of the user statuses from the status list and transmit both the status list and the selected user status to the mobile information terminal which transmits both the status list and the select user status to the second information terminal (figures 1b and 1c shows lists from each user's point of view) [C3, L16, C3, L45-66 and C3, L45-66].

As per **claim 6**, Sandegren teaches a user status generating device provided in an information terminal for running a predetermined application, comprising:

identification means for obtaining from the running application identification information for of a user of the running application;

decision means for determining a status of the user based on a status of the application; and

transmitting means for directly connecting with an external mobile terminal of the user through a network, and transmitting the user

identification information and the user status to external mobile terminal of the user via the network (Abstract, figures 1a thru 3e, C1, L65-67 to C2, L1-41 and C3, L45-66).

But is silent on determining status of the user at first terminal and on an ad hoc local area network connecting to a mobile.

The examiner notes that a user must actually type-in/enter their status (or have it determined by software), so the system will store the status which can be downloaded to ANY user/device. Hence, if the user works at a laptop and has a list of people/devices that are to be notified that INCLUDES the user's mobile phone, it will receive a status as well. Sandegren's invention will send status to ANY person/device on the "notify list" which means the user can add multiple devices that they own to the list which reads on the invention.

The applicant cites in their specification the ICQ notification system/device (Mirabilis, Ltd.) that allows a user to find out who are the other (arbitrary) users that are connected to the Internet (pg. 2, L1-15). **Gutfreund** teaches collaborative software that allows a user of the application to request a list of all (arbitrary) users known to the collaboration software (abstract).

Angle teaches a network that provides connectivity between a mobile device (eg. phone/computer) to another wired/wireless device via a wireless LAN (abstract, figures 1-3 and 5 and C5, L1-46, #100 is a wireless phone).

It would have been obvious to one skilled in the art at the time of the invention to modify Sandegren, such that status can be determined from arbitrary users via ad hoc local area network, to provide means for the user to gather status from other users within the network (other than those in his/her list).

Claims 7-8 and 10-13 rejected under 35 U.S.C. 103(a) as being unpatentable over Sandegren/Gutfreund/Angle further in view of Daly et al US 6,393,014 (hereafter Daly).

As per **claims 7-8 and 10-13**, Sandegren teaches a mobile terminal transmitting device in communication with a communication device connecting to a network device and in real-time communication with external information terminals, comprising:

authorization means for authorizing the user of the mobile terminal based on received mobile terminal identification information (HLR/WOLN database can provide authorization means, C7, L34-47) and

transmitting means for transmitting the received mobile terminal user status via communication device to the network device based on authorization (figure2a shows wireless and wired transmitting means).

But is silent on receiving means for directly connecting in real-time with an external information terminal and receiving means connectable directly to external information terminals through an electronic information transmission medium, for receiving the identification information and status of a user of the mobile terminal from external information terminal and an ad hoc local area network.

With further regard to claim 8, Sandegren teaches storage means as shown in figure 3d, #335 (ref. "updates his list" which implies storage in the phone).
Also reference Abstract, figures 1a thru 3e, C1, L65-67 to C2, L1-41 and C3, L45-66.

With further regard to claims 10-12, Sandegren teaches various tasks/steps that are performed (eg. by software program on the mobile and within the network) for operation of the described system/invention (C3, L40-67 to C4, L1-23)

Daly teaches the ability to convey data between a cellular phone and a data network/server which is well known in the art (title, abstract and figures 1b, 2 and 4).

The applicant cites in their specification the ICQ notification system/device (Mirabilis, Ltd.) that allows a user to find out who are the other (arbitrary) users that are connected to the Internet (pg. 2, L1-15). **Gutfreund** teaches collaborative software that allows a user of the application to request a list of all (arbitrary) users known to the collaboration software (abstract).

Angle teaches a network that provides connectivity between a mobile device (eg. phone/computer) to another wired/wireless device via a wireless LAN (abstract, figures 1-3 and 5 and C5, L1-46, #100 is a wireless phone).

It would have been obvious to one skilled in the art at the time of the invention to modify Sandegren, such that status can be determined from arbitrary users via a data network, to provide means for the user to gather status from other users within ANY wired/wireless network (other than those in his/her list).

As per **claim 14**, Sandegren teaches claim 4 **but is silent on** the mobile terminal of the user and the at least first information terminal automatically connect <u>via ad hoc local area network </u>if within a predetermined communication range.

The examiner notes that the applicant's specification teaches both SUN Microsystem's JINI and Microsoft's Universal Plug and Play as technology that supports such operations (page 16, L17 to page 17, L8 of specification).

<u>Angle teaches a network that provides connectivity between a mobile device (eg. phone/computer) to another wired/wireless device via a wireless LAN (abstract, figures 1-3 and 5 and C5, L1-46, #100 is a wireless phone).</u>

It would have been obvious to one skilled in the art at the time of the invention to modify Sandegren, such that status can be determined from arbitrary users via a data network, to provide means for the user to gather status from other users within ANY wired/wireless network (other than those in his/her list).

It would have been obvious to one skilled in the art at the time of the invention to modify Sandegren, such that auto-connect is established in a predetermined range, to provide automatic notification when two devices are near each other.

As per **claims 15 and 17**, Sandegren teaches claim 4 wherein the user status generating device of the first information terminal determines the identity of the user according to a password or a user name input by the user when booting the first information terminal (figures 1a-1c shows names that are used for identity. Use of passwords for identification purposes are known in the art).

As per **claim 16**, Sandegren teaches claim 4 **but is silent on** wherein the mobile terminal/information terminal connect via wire or wirelessly <u>ad hoc local area network.</u> <u>Sandegren teaches support for </u>"wireless" RF electronic communications channel AND figure 2a shows both wireless and wired communications links being used, #209 and #211/#215).

<u>Angle teaches a network that provides connectivity between a mobile device (eg. phone/computer) to another wired/wireless device via a wireless LAN (abstract, figures 1-3 and 5 and C5, L1-46, #100 is a wireless phone).</u>

It would have been obvious to one skilled in the art at the time of the invention to modify Sandegren, wired/wireless communications is supported via ad hoc local area network, to provide connectivity means to users via wired/wireless channels connecting to a local area network.

As per **claims 18 and 22**, Sandegren teaches claim 4 wherein a plurality of mobile terminals are in communication with the at least one first information terminal and the user status generating device of the at least one first terminal determines the user identity and status of each mobile user and transmits the determined user identity and status to each respective user mobile (figures 1a-1c show a user and several other users that are notified) **but is silent on** an ad hoc local area network.

Angle teaches a network that provides connectivity between a mobile device (eg. phone/computer) to another wired/wireless device via a wireless LAN (abstract, figures 1-3 and 5 and C5, L1-46, #100 is a wireless phone).

It would have been obvious to one skilled in the art at the time of the invention to modify Sandegren, wired/wireless communications is supported via ad hoc local area network, to provide connectivity means to users via wired/wireless channels connecting to a local area network.

As per **claims 19 and 21**, Sandegren teaches claim 4 wherein wherein the user status is determined by an executing application and the user status comprises at least one of email, internet phone usage, computer file usage, text editor, internet phone application and email (abstract teaches notification including online/offline, location and associated voicemail or email which reads on the claim).

As per **claim 20**, Sandegren teaches claim 4 wherein the user status generating device is a component of an executing application by the user in the first terminal and the user status is determined by the application component according to a status of the executing application (figure 2c shows an application that runs on mobile devices/phones and figures 3a-3e show status that can be determined/communicated by the application).

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Stephen M. D'Agosta whose telephone number is 703-

306-5426. The examiner can normally be reached on M-F, 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Bill Trost can be reached on 703-308-5318. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

SMD
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